

Exhibit J

**STATE OF NEW YORK
BUFFALO CITY COURT : COUNTY OF ERIE**

CENTURION CAPITAL CORPORATION,

Plaintiff,

-vs-

Index No. 007295-06

CHRISTOPHER MCCROBIE

Defendant.

Johnson-Lee, J.

MEMORANDUM AND ORDER

A court which rendered a judgment may relieve a party of the terms of the judgment if the court lacked jurisdiction to render the judgment. CPLR5015(a)(4).

On March 9, 2007 a default judgment was entered against the defendant in the amount of \$780.12 plus costs of \$202. for a total of \$982.12. By Motion to Vacate Judgment filed August 28, 2015, defendant moved to vacate the judgment pursuant to CPLR 5015(1)(a)(4). While defendant's motion was based on a claim of lack of *personal jurisdiction*, it is unnecessary to reach that claim since the judgment should never have been entered in the first place. The Court lacked *subject matter jurisdiction* to entertain the action.

The complaint plaintiff filed reads as follows:

"Centurion Capital Corporation . . .
Rockville, Md. 20850

-against-

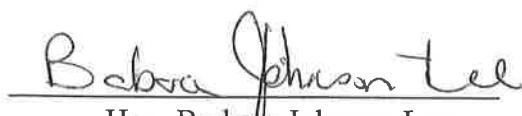
Christopher McCrobie
16 Summit St.
Lancaster, NY 14086"

The complaint further alleges that plaintiff has an office and place for the transaction of business at the address above, and that defendant resides at the address in the caption. No further allegations as to jurisdiction are contained in the complaint.

Section 213 of the Uniform City Court Act sets forth the jurisdictional requirements for actions in Buffalo City Court. These requirements include either residence of plaintiff or defendant within the city or contiguous town, regular employment or place for the regular transaction of business within the city.

Plaintiff has failed to allege any jurisdictional basis for the action; it is a foreign corporation and defendant was alleged to be a resident of Lancaster, a town not contiguous to the City of Buffalo. The Court was without authority to enter the judgment which is null and void. See *Lacks v Lacks*, 41 NY2d 71 (1976).

Defendant's motion to vacate the judgment is **GRANTED**. This decision shall constitute the order of this Court and no further order is required.


Hon. Barbara Johnson-Lee
Buffalo City Court Judge

Dated: Buffalo, New York
February 2, 2016